

No. 08-18-00180-CR

**IN THE  
COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS**

FILED IN  
8th COURT OF APPEALS  
EL PASO, TEXAS  
7/8/2019 10:08:52 AM  
ELIZABETH G. FLORES  
Clerk

**MARIO ERNESTO MARTELL****APPELLANT****V.****THE STATE OF TEXAS****APPELLEE**

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**STATE'S FIRST MOTION  
FOR AN EXTENSION OF TIME TO FILE THE STATE'S BRIEF**

**TO THE COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS:**

COMES NOW, the State of Texas in the above styled and numbered cause, pursuant to Rule 10.5(b) and Rule 38.6(d) of the Texas Rules of Appellate Procedure, and requests an extension of time in which to file the State's brief, and would show the Court as follows:

1. Appellant was convicted of possession of marijuana in Criminal District Court No. One of El Paso County, Texas in a case styled, *The State of Texas v. Mario Ernesto Martell*, cause number 990D03958.

2. The State's brief is currently due to be filed on July 5, 2019.

3. This extension is requested for 30 days until August 5, 2019.

4. No motions for extension of time to file the State's brief have been previously requested by the State or granted by this Court.

5. The undersigned attorney for the State has been unable to complete the State's brief in a timely manner during the briefing period and requests this extension due to the following factors:

(a) Since the filing of appellant's brief, the undersigned completed and filed in this Court the State's briefs in the following cases:

*Juan Torres Reyes v. The State of Texas*, Cause Number 08-18-00145-CR, filed June 13, 2019.

(b) Since the filing of the State's first extension request, the undersigned completed and filed in this Court the State's petition for writ of mandamus in the following case:

*In re: The State of Texas*, Cause Number 08-19-00151-CR, filed June 7, 2019.

(c) The undersigned is also responsible for preparing and filing in this Court the State's briefs in the following cases:

*Mario Ernesto Martell v. The State of Texas*, Cause Number 08-18-00180-CR, due July 5, 2019;

*Obed Radai Enriquez v. The State of Texas*, Cause Number 08-18-00169-CR, due July 22, 2019 (1<sup>st</sup> extension);

*Christopher Eric Aguilera v. The State of Texas*, Cause Number 08-18-00227-CR, due August 1, 2019 (2<sup>nd</sup> extension).

(d) The undersigned is also responsible for preparing and filing in the Court of Criminal Appeals the State's brief on PDR in the following case:

*Alberto Montelongo v. The State of Texas*, CCA Cause Number PD-0202-19, COA Cause Number 08-16-00001-CR, due July 25, 2019.

(e) As the Appellate Division Chief of the 34<sup>th</sup> Judicial District Attorney's Office, the undersigned must devote much of his time on a daily basis to assisting the trial-division prosecutors with issues that arise in their cases before the District and County Courts, including (among many other things) providing legal research on emergency issues that arise during trial. The undersigned also has many appellate-division and office-wide administrative duties that require much of his time on a daily basis.

**PRAYER**

WHEREFORE, the State prays that its extension request will be granted until August 5, 2019.

Respectfully submitted,

JAIME ESPARZA  
DISTRICT ATTORNEY  
34<sup>th</sup> JUDICIAL DISTRICT

/s/ Tom A. Darnold  
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ATTORNEYS FOR THE STATE

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the above motion was sent by e-mail by utilizing the E-serve system on July 8, 2019, to appellant's attorneys: Octavio Arturo Dominguez, at [odominguez@epcounty.com](mailto:odominguez@epcounty.com); and Maya I. Quevedo Stevenson, at [mquevedo@epcounty.com](mailto:mquevedo@epcounty.com).

/s/ Tom A. Darnold  
TOM A. DARNOLD